



# Senate

General Assembly

**File No. 682**

January Session, 2009

Substitute Senate Bill No. 1031

*Senate, April 16, 2009*

The Committee on Judiciary reported through SEN. MCDONALD of the 27th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

## ***AN ACT CONCERNING MURDER AND INHERITANCE.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 45a-447 of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective October 1, 2009*):

3 (a) (1) A person finally adjudged guilty, either as the principal or  
4 accessory, of any crime under section 53a-54a, [or] 53a-54b, 53a-54c,  
5 53a-54d, 53a-55 or 53a-55a, or in any other jurisdiction, of any crime,  
6 the essential elements of which are substantially similar to such crimes,  
7 or a person determined to be guilty under any of said sections  
8 pursuant to this subdivision, shall not inherit or receive any part of the  
9 estate of (A) the deceased, whether under the provisions of any act  
10 relating to intestate succession, or as devisee or legatee, or otherwise  
11 under the will of the deceased, or receive any property as beneficiary  
12 or survivor of the deceased, [; and such person shall not inherit or  
13 receive any part of the estate of] or (B) any other person when such  
14 homicide or death terminated an intermediate estate, or hastened the  
15 time of enjoyment. For the purposes of this subdivision, an interested

16 person may bring an action in the Superior Court for a determination,  
17 by a preponderance of the evidence, that an heir, devisee, legatee or  
18 beneficiary of the deceased who has predeceased the interested person  
19 would have been adjudged guilty, either as the principal or accessory,  
20 under section 53a-54a, 53a-54b, 53a-54c, 53a-54d, 53a-55 or 53a-55a had  
21 the heir, devisee, legatee or beneficiary survived.

22 (2) With respect to inheritance under the will of the deceased, or  
23 rights to property as heir, devisee, legatee or beneficiary of the  
24 deceased, the person whose participation in the estate of another or  
25 whose right to property as such heir, devisee, legatee or beneficiary is  
26 so prevented under the provisions of this section shall be considered to  
27 have predeceased the person killed.

28 (3) With respect to property owned in joint tenancy with rights of  
29 survivorship with the deceased, such final adjudication as guilty shall  
30 be a severance of the joint tenancy, and shall convert the joint tenancy  
31 into a tenancy in common as to the person so adjudged and the  
32 deceased but not as to any remaining joint tenant or tenants, such  
33 severance being effective as of the time such adjudication of guilty  
34 becomes final. When such jointly owned property is real property, a  
35 certified copy of the final adjudication as guilty shall be recorded by  
36 the fiduciary of the deceased's estate, or may be recorded by any other  
37 interested party in the land records of the town where such real  
38 property is situated.

39 (b) In all other cases where a defendant has been convicted of killing  
40 another person, the right of such defendant to inherit or take any part  
41 of the estate of the person killed or to inherit or take any estate as to  
42 which such homicide terminated an intermediate estate, or hastened  
43 the time of enjoyment, or to take any property as beneficiary or  
44 survivor of the deceased shall be determined by the common law,  
45 including equity.

46 (c) (1) A named beneficiary of a life insurance policy or annuity who  
47 intentionally causes the death of the person upon whose life the policy  
48 is issued or the annuitant, is not entitled to any benefit under the

49 policy or annuity, and the policy or annuity becomes payable as  
50 though such beneficiary had predeceased the decedent.

51 (2) (A) A conviction under section 53a-54a, 53a-54b, 53a-54c, 53a-  
52 54d, 53a-55 or 53a-55a, or a determination pursuant to subparagraph  
53 (B) of this subdivision that a named beneficiary would have been  
54 found guilty under any of said sections had the named beneficiary  
55 survived, shall be conclusive for the purposes of this subsection.

56 (B) For the purposes of this subsection, an interested person may  
57 bring an action in the Superior Court for a determination, by a  
58 preponderance of the evidence, that a named beneficiary who has  
59 predeceased the interested person would have been found guilty  
60 under section 53a-54a, 53a-54b, 53a-54c, 53a-54d, 53a-55 or 53a-55a had  
61 the named beneficiary survived.

62 (C) In the absence of such a conviction or determination, the  
63 Superior Court may determine by the common law, including equity,  
64 whether the named beneficiary is entitled to any benefit under the  
65 policy or annuity.

66 (D) In any proceeding brought under this subsection, the burden of  
67 proof shall be upon the person challenging the eligibility of the named  
68 beneficiary for benefits under a life insurance policy or annuity.

69 (3) Any insurance company making payment according to the terms  
70 of its policy or annuity is not liable for any additional payment by  
71 reason of this section unless it has received at its home office or  
72 principal address written notice of a claim under this section prior to  
73 such payment.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2009	45a-447

***Statement of Legislative Commissioners:***

In section 1, the phrases "For the purposes of this subdivision" and "For the purposes of this subsection" were inserted for accuracy.

***JUD***      *Joint Favorable Subst.-LCO*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

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***OFA Fiscal Note******State Impact:*** None***Municipal Impact:*** None***Explanation***

There is no fiscal impact to allow an interested party to bring an action in Superior Court in accordance with the bill.

***The Out Years******State Impact:*** None***Municipal Impact:*** None

**OLR Bill Analysis****SB 1031*****AN ACT CONCERNING MURDER AND INHERITANCE.*****SUMMARY:**

This bill expands the circumstances under which a person cannot inherit, receive part of the estate, or receive life insurance or annuity benefits from someone for whose death he or she was responsible.

Under current law, a murderer cannot inherit or receive part of the estate from (1) the victim or (2) another person if the homicide or death terminated an intermediate estate or hastened the time of enjoyment. This applies if the person is finally adjudged guilty as a principal or accessory of murder or capital felony in Connecticut or for a similar crime in another jurisdiction. The bill also excludes someone (1) convicted as a principal or accessory of felony murder, arson murder, 1<sup>st</sup> degree manslaughter with or without a firearm, or a similar crime in another jurisdiction or (2) who would have been found guilty of one of these offenses if he or she had survived, as determined by the Superior Court by a preponderance of the evidence in an action brought by an interested person.

Current law prohibits a named beneficiary on an insurance policy or annuity from receiving any benefits if he or she intentionally caused the death of the person who is the subject of the policy or annuity. Current law excludes someone if convicted of murder, capital felony, felony murder, arson murder, 1<sup>st</sup> degree manslaughter, or 1<sup>st</sup> degree manslaughter with a firearm. The bill allows an interested party to bring an action in Superior Court to determine by a preponderance of the evidence that a beneficiary who predeceased the interested person would have been found guilty of one of these crimes.

The law already allows the Superior Court to make a determination

in the absence of a conviction based on the common law, including equity, that the person is not entitled to benefits. The bill allows the Superior Court to make this determination only when there is no conviction or action brought by an interested party.

For the Superior Court proceeding in current law, the person challenging entitlement has the burden of proof. The bill applies this to proceedings brought by an interested party as well.

EFFECTIVE DATE: October 1, 2009

### **COMMITTEE ACTION**

Judiciary Committee

Joint Favorable

Yea    42    Nay   0    (03/27/2009)